IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION NO.1245 OF 2006

Asian Hotels Limited & Ors..Petitioenrs

Vs.

State of Maharashtra & Anr..Respondents

Mr. Virag Tulzapurkar, Senior Counsel with
Ms. Sowmya Srikrishna with Mr. Indranil Deshmukh i/b.
aAmarchand & Mangaldas & Suresh A. Shroff & Co., for
the petitioners
Mr. K.R. Belosey, Govt. Pleader for respondent No.1
Mr. S.P. Bharti, for respondent No.2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 27TH NOVEMBER,2006

P.C.

. Rule. Heard forthwith. The case of the petitioner is that the order dated 6th November, 2004 was passed without giving an opportunity of hearing and without taking into consideration the policy dated 16th September, 2002 which came into operation with effect from 1st July, 200. It is their case that the document in respect of which the stamp duty is payable is of 8th July, 2000 and considering that they were entitled to the benefit available under Government Resolution of 16th September, 2002.

2. Considering the above and considering the grievance of the petitioners that they were not heard and the resolution dated 16th September, 2002 not being taken into consideration the order dated 6th

November, 2004 is set aside and the matter is remanded back to the concerned authority (Additional Secretary, Revenue & Forest Department). The Concerned Authority after hearing the petitioners to pass appropriate orders according to law at any rate not later than eight weeks from today.

3. Rule made absolute accordingly. Needless to say that all contentions of the parties are left open for consideration by the appropriate authority.

(**F.I. REBELLO, J)**

(**ANOOP V. MOHTA J).**